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OFFICE OF PETITIONS

In re Application of	:	
MADER, et al.	:	
Application No. 10/523,615	:	DECISION ON PETITION
Filed: February 1, 2005	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. PP/1-22728/A/PCT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 19, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 3, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 4, 2006.

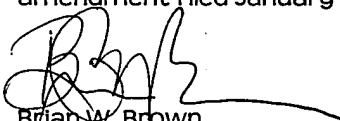
37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1500; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1020 extension of time fee submitted with the petition on September 5, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

The application file is being referred to Technology Center Art Unit 2614 for consideration of the amendment filed January 19, 2007.


Brian W. Brown
Petitions Examiner
Office of Petitions

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Andrea De Gecchi
Type or print name

Andrea De Gecchi
Signature

1/16/07
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

DIETMAR MÄDER ET AL.

APPLICATION NO: 10/523,615

FILED: FEBRUARY 1, 2005

FOR: BETA-NUCLEATING, LIGHT STABILIZING
AGENTS FOR POLYPROPYLENE

Group Art Unit: 1754

Examiner: Connie P. Johnson

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME

Sir:

The Office Action of July 3, 2006, has a shortened statutory time set to expire on October 3, 2006. A **Three-month** extension is hereby requested pursuant to 37 CFR § 1.136(a).

Please charge Deposit Account No. 03-1935 in the amount of **\$1,020.00** for payment of the extension fee. Two additional copies of this paper are here enclosed. The Commissioner is hereby authorized to charge any additional fees under 37 CFR § 1.17 which may be required, or credit any overpayment, to Account No. 03-1935.

01/22/2007 MBELETE1 00000017 031935 10523615

01 FC:1253 1020.00 DA

Adjustment date: 05/21/2008 CKHL0K
01/22/2007 MBELETE1 00000017 031935 10523615
01 FC:1253 1020.00 CR

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Respectfully submitted,

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Agent for Applicants
Reg. No. 56,880

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: <u>05/19/08</u>		2 Serial/Patent # <u>10/523,615</u>			
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
	Filing			\$	
	Amendment			\$	
X	Extension of Time 1253	XT/	01/19/07	\$ 1,020.00	
	Notice of Appeal/Appeal			\$	
	Petition			\$	
	Issue			\$	
	Cert of Correction/Terminal Disc.			\$	
	Maintenance			\$	
	Assignment			\$	
	Other			\$	
		7 TOTAL AMOUNT OF REFUND		\$ 1,020.00	
10 REASON:		8 TO BE REFUNDED BY:			
	Overpayment	Treasury Check			
	Duplicate Payment	X	Credit Deposit A/C #:		
	No Fee Due (Explanation):	9	0	3	--
			1	9	3
			5		
Extension was filed subsequent to the maximum extendable period for reply.					
11 REFUND REQUESTED BY:					
TYPED/PRINTED NAME: <u>Monica A. Graves</u>		TITLE: <u>Paralegal Specialist</u>			
SIGNATURE: <u><i>Monica Graves</i></u>		PHONE: <u>(571) 272-7253</u>			
OFFICE: <u>Office of Petitions</u>					
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****					
APPROVED: <u><i>Choko K</i></u>		DATE: <u>5/21/08</u>			

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